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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 JOHN J. SHEFCIK, JR.,

10 Plaintiff,

11 v.

12 KING COUNTY,

13 Defendant.
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Case No. C08-5329 RJB/KLS

ORDER ADOPTING
REPORT AND
RECOMMENDATION AND
DISMISSING CASE

15 This matter comes before the Court on the Report and Recommendation of the Honorable Karen L.
16 Strombom, United States Magistrate Judge (Dkt. 8). The Court has reviewed the Report and
17 Recommendation, Plaintiff's objections (Dkt. 9, 10), and the remainder of the file herein.

18 **I. DISCUSSION**

19 The Report and Recommendation recommends dismissal of this matter. First, the Report and
20 Recommendation properly concludes that the plaintiff has failed to pay the filing fee or submit an
21 application to proceed *in forma pauperis*. Second, the Report and Recommendation correctly concludes
22 that there is no basis for removal under 28 U.S.C. § 1441, *et seq.* because only defendants may effect
23 removal and the plaintiff apparently attempts to remove a matter he filed in state court four years ago. Dkt.
24 8. The plaintiff objects on two grounds:

25 First, the plaintiff maintains that no filing fee is required because he did not file a complaint before
26 this Court but instead filed a notice of removal. The Report and Recommendation thoroughly addresses
27 this contention, properly concluding that there is no basis for the removal and that the plaintiff may only
28 maintain a cause of action if he pays the filing fee or is granted *in forma pauperis* status.


1 Second, the plaintiff contends that venue is proper in Seattle. In the Order to Show Cause, the
2 plaintiff was “advised that his case was assigned to the United States District for the Western District
3 of Washington sitting in Tacoma because it has jurisdiction over cases filed by prisoners at the Stafford
4 Creek Corrections Center where Plaintiff indicates that he is currently housed. (Dkt. # 1).” Dkt. 6 at 2. The
5 plaintiff’s attempted removal concerns a matter filed in Pierce County Superior Court. Therefore, the
6 plaintiff fails to demonstrate that his case should not have been filed in Tacoma or should be transferred to
7 Seattle. *See* Local Rule CR 5(e)(1) “In all civil cases in which all defendants reside, or in which the claim
8 arose, in the count[y] of . . . Pierce, . . . the case file will be maintained in Tacoma.”).

9 **II. ORDER**

10 Therefore, it is hereby
11 **ORDERED** that the Court **ADOPTS** the Report and Recommendation (8), Plaintiff’s request to
12 transfer this case to the Northern District of California (Dkt. # 4) is **DENIED**, and this action is
13 **DISMISSED**.

14 The Clerk is directed to send copies of this Order to Plaintiff and any other party that has appeared
15 in this action.

16 DATED this 16th day of September, 2008.

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19 ROBERT J. BRYAN
20 United States District Judge
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